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8 UNITED STATES BANKRUPTCY COURT

9 CENTRAL DISTRICT OF CALIFORNIA – SANTA ANA DIVISION

10 In re

11 THE LITIGATION PRACTICE GROUP P.C.,

12 Debtor.
13
14
15

Case No: 8-23-bk-10571-SC

Chapter 11

CHAPTER 11 TRUSTEE’S STIPULATED
RESPONSE TO MOTION FOR
ALLOWANCE OF ADMINISTRATIVE
CLAIM FILED BY WELLS, MARBLE
AND HURST, PLLC [DK. NO.679]

Date: May 23, 2024
Time: 11:00 a.m.
Ct rm: Courtroom 5C
411 West Fourth Street
Santa Ana, CA 92701

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18 TO THE HONORABLE SCOTT C. CLARKSON, UNITED STATES BANKRUPTCY JUDGE,
19 THE OFFICE OF THE UNITED STATES TRUSTEE, AND ALL INTERESTED PARTIES:

20 This Stipulation (“Stipulation”) is entered into by and between Richard A. Marshack, in his
21 capacity as Chapter 11 Trustee (“Trustee”) of the Bankruptcy Estate (“Estate”) of The Litigation
22 Practice Group P.C. (“Debtor”), and Wells, Marble and Hurst, PLLC (“Wells Marble” and together
23 with Trustee, “Parties”), with regard to the following:

24 **RECITALS**

25 A. Pre-petition, Debtor was a law firm that provided consumer debt resolution services
26 servicing more than 50,000 customers across the United States. In 2022, Debtor’s annual revenue
27 exceeded \$150 million.
28

1 B. On March 20, 2023, Debtor filed a voluntary petition under Chapter 11 of Title 11 of
2 the United States Code, initiating bankruptcy Case No. 8:23-bk-10571-SC in the United States
3 Bankruptcy Court for the Central District of California, Santa Ana Division (“Bankruptcy Case”).
4 Prior to the bankruptcy, Debtor fraudulently transferred all its assets and clients. As of the petition
5 date, Debtor had virtually no assets or clients.

6 C. On May 8, 2023, Richard A. Marshack was appointed as the Chapter 11 Trustee of
7 the Debtor’s estate. Docket No. 65.

8 D. Upon his appointment, Trustee filed litigation against numerous defendants, including
9 Phoenix Law Group, Inc. (“Phoenix”), seeking, among other relief, to avoid and recover Debtor’s
10 fraudulent transfers. Adv. Case No. 8:23-ap-01046-SC (“Avoidance Adversary”).

11 E. On June 27, 2023, Trustee filed a stipulation with Phoenix avoiding, recovering, and
12 preserving the legal service agreements between Debtor and its consumer clients, thus recovering
13 Debtor’s assets.

14 F. On July 22, 2023, the Court granted Trustee’s sale motion and entered an order
15 approving the sale of Debtor’s assets. Docket No. 320. The sale closed on August 4, 2023.

16 G. On October 16, 2023, the Court entered an Order setting the Administrative Claims
17 Bar Date as November 21, 2023. Docket No. 577.

18 H. On November 20, 2023, a Motion for Allowance of Administrative Claim Pursuant to
19 11 U.S.C. 503 was filed by Wells, Marble and Hurst, PLLC (“Motion”). Docket No. 679.

20 I. On January 5, 2024, Trustee filed a Motion to Continue Hearing on the motions for
21 allowance of administrative expense claims. Docket No. 816.

22 J. On January 8, 2024, the Court entered an Order granting the Trustee’s Motion to
23 Continue Hearing, continuing the initial hearings on all matters to February 29, 2024, and treating
24 those hearings as status conferences. Docket No. 818.

25 K. On February 15, 2024, Trustee filed an Omnibus Unilateral Report Regarding Status
26 of Motions for Allowance of Administrative Expense Claim Under 11 U.S.C. §503(b) (“Feb. 15
27 Status Report”). Docket No. 940.

1 L. On March 6, 2024, the Court entered a Scheduling Order, setting April 11, 2024, as
2 the deadline for Trustee to respond to any of the motions for allowance of administrative expense
3 claims for a specific group of claimants, including Wells Marble. Dk No. 986.

4 M. On April 11, 2024, Trustee filed an Omnibus Stipulation to Modify Briefing Schedule
5 and to Continue Hearing on Motion for Allowance of Administrative Expense Claims filed by a
6 specific group of claimants, including Wells Marble (“Omnibus Stipulation”). Docket No. 1101.

7 N. On April 12, 2023, the Court entered an Order approving the Omnibus Stipulation,
8 setting May 2, 2024, as the deadline for the Trustee to file a response to any of the motions for
9 allowance of administrative claims, including the claim filed by Wells Marble. Docket No. 1107.

10 O. Trustee diligently investigated the administrative claim of Wells Marble and the
11 Parties have exchanged documents and information.

12 P. In the course of Trustee’s investigation, Trustee verified that Wells Marble had
13 submitted appropriate records for 270.7 hours (“Legal Hours”) of post-petition legal work on
14 Debtor’s client files post-petition and incurred \$2,829.14 in expenses (“Expenses”).

15 Q. Although Wells Marble had submitted the Motion to be compensated at \$240/hr for
16 the Legal Hours, Trustee has communicated to Wells Marble that pursuant to reasonableness
17 standard of administrative expenses, the maximum amount at which post-petition legal work would
18 be compensated by the Trustee in administering Debtor’s estate would be at \$86.54/hr.

19 R. To avoid the costs and expense of this litigation, Wells Marble has agreed to reduce
20 its administrative claim to a rate of \$26,255.52 for Legal Hours and Expenses combined.

21 WHEREFORE, the Parties stipulate, agree and request that the Court enter an Order as
22 follows:

23 **STIPULATION**

24 1. Wells Marble will reduce the amount of their requested administrative claim to
25 \$26,255.52 (“Reduced Admin Claim”), for the client files that it serviced post-petition.

26 2. Trustee does not oppose the Reduced Admin Claim.

27 3. Except as specifically set forth above, the Parties are not releasing any claims and
28 each reserve all rights, claims, and defenses.

1 4. Wells Marble acknowledges that the Reduced Admin Claim remains subject to
2 disallowance only should the provisions of 11 U.S.C. § 502(d) be satisfied, which is not anticipated
3 here.

4 5. In light of the foregoing, no further briefing by either party will be filed in connection
5 with Wells Marble's pending Motion.

6 6. To date, no other party has filed a response or an objection to the Motion.

7 7. The Parties request that the Court enter an Order approving this Stipulation and that
8 such order provide that the hearing on Wells Marble's Motion currently set for May 23, 2024, come
9 off calendar without the need for appearances.

10 8. This Stipulation may be executed in one or more counterparts, and facsimile or
11 electronic signatures may be used in filing this document with the Court.

12
13 DATED: May 2, 2024

MARSHACK HAYS WOOD LLP

14
15 By: 

D. EDWARD HAYS
ALINA MAMLYUK
Attorneys for Chapter 11 Trustee,
RICHARD A. MARSHACK

16
17
18 DATED: May 2, 2024

19 By: 

KEVIN ROGERS
Wells, Marble and Hurst, PLLC

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:
870 Roosevelt, Irvine, CA 92620.

A true and correct copy of the foregoing document entitled: **CHAPTER 11 TRUSTEE'S STIPULATED RESPONSE TO MOTION FOR ALLOWANCE OF ADMINISTRATIVE CLAIM FILED BY WELLS, MARBLE AND HURST, PLLC [DK. NO.679]** will be served or was served (a) on the judge in chambers in the form and manner required by LBR 5005-2(d); and (b) in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On **May 2, 2024**, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL: On , I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

DEBTOR – MAIL REDIRECTED TO TRUSTEE

THE LITIGATION PRACTICE GROUP P.C.
17542 17TH ST, SUITE 100
TUSTIN, CA 92780-1984

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL: Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on **May 2, 2024**, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

VIA PERSONAL DELIVERY:

PRESIDING JUDGE'S COPY

HONORABLE SCOTT C. CLARKSON
UNITED STATES BANKRUPTCY COURT
411 WEST FOURTH STREET, SUITE 5130 / COURTROOM 5C
SANTA ANA, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

May 2, 2024
Date

Layla Buchanan
Printed Name

/s/ Layla Buchanan
Signature

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